

**ZB# 00-43-A**

**Neil Schlesinger**

**57-1-2**

Prelim.

Aug. 14, 2000.

Public Hearing:

Sept. 11, 2000.

Interpretation of

Non-conforming

use which was

pre-existing before

zoning.

Refund:

380.50

#00-43A Schlesinger, Neil-Interp/use

87-1-2

**APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)**

APPLICANT: Schlesinger, Neil

FILE# 00-43

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA       

USE X

APPLICATION FOR VARIANCE FEE.....\$ 150.00

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ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 500.00

**DISBURSEMENTS:**

**STENOGRAPHER CHARGES: \$4.50 PER PAGE**

PRELIMINARY MEETING-PER PAGE 8/14/00 - 3...\$ 13.50  
2ND PRELIMINARY- PER PAGE 9/14/00 - 2...\$ 36.00  
3RD PRELIMINARY- PER PAGE.....\$         
PUBLIC HEARING - PER PAGE.....\$         
PUBLIC HEARING (CONT'D) PER PAGE.....\$       

TOTAL.....\$ 49.50

**ATTORNEY'S FEES: \$35.00 PER MEETING**

PRELIM. MEETING:.....8/14/00.....\$ 35.00  
2ND PRELIM.....9/14/00.....\$ 35.00  
3RD PRELIM.....\$         
PUBLIC HEARING.....\$         
PUBLIC HEARING (CONT'D).....\$       

TOTAL.....\$ 70.00

**MISC. CHARGES:**

.....\$       


TOTAL.....\$ 119.50

LESS ESCROW DEPOSIT.....\$ 500.00

(ADDL. CHARGES DUE).....\$       

REFUND DUE TO APPLICANT..\$ 380.50

*paid*  
*8/28/00*  
*# 7197*  
*paid 8/28/00*  
*# 7198*


**NEIL S. SCHLESINGER**  
**GLYNNA R. SCHLESINGER**  
 420 STATION RD.  
 ROCK TAVERN, NY 12575

29-1  
 213  
 5745023659


No. 7198

Pay to the order of Tyson & New Windsor \$ 500  
Five hundred dollar no / 100

**Fleet**  
 27574 Ulster Avenue  
 Kingston, New York 12401

ZBA #00-43

MICR: ⑆021300019⑆ 57450 23659⑈ 7198


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Date 9/18/2000, 1999

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Neil S. Schlesinger DR.  
420 Station Rd., Rock Tavern, N.Y. 12575.

[illegible]

1/12/01

# 00-43A

TO ..... DR.  
160 N. Derry Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
1/8/01	Zining Brass 11 Hg		75 00	
	Misc. 2			
	Gargiule/Lyns - 6			
	Francan - 6			
	Bila-Podkucany - 7			
	Schlesinger - 4	18.00.	112 50	
	<u>25</u>		<u>187 50</u>	

SCHLESINGER - DISCUSSION

MR. NUGENT: We received a letter from Mr. Schlesinger.

MR. TORLEY: He's saying he always displayed the cars but in the barn or something like that, they were not in public view.

MR. KANE: That's correct.

MR. TORLEY: So that's what he's concerned about. We told him he couldn't display them but he thinks you didn't mean they can't show them to anybody.

MR. KANE: No, if he takes them out on a Saturday afternoon and puts them back by his barn, that's one thing, let them sit out there every day of the week, all year long, that's another thing.

MR. KRIEGER: What you were concerned about is also the flags, banners, soap in the window, that kind of stuff, American flags on the antennas.

MR. KANE: I've never seen anything like that before and that's not something I would want still.

MR. TORLEY: His practice was not to do that, we told him he could continue the same practice as he had before.

MR. KANE: That's correct.

MR. NUGENT: What do you want to do have the attorney write him a letter saying that?

MR. KANE: I think that we should write that we're not approving any banners, any of that kind of stuff, but if he wants to pull it out on a Saturday afternoon, put them away when the day's done, I have no objection.

MR. REIS: I think that the, if we--

MR. NUGENT: I don't know if we ought to go that far, personally.

MR. REIS: I would agree with that, Jim, cause how are you going to monitor. He never had them out there before if we give him an okay.

MR. TORLEY: He told us his practice they were never out in public view, he would take, the client would come and he'd show them the car.

MR. KRIEGER: Minutes said the use should quote not entail the display of cars end quote. The decision, the words were in the decision the stipulation that the pre-existing non-conforming use does not entail the display of vehicles on the premises. Minutes, not entail the display of cars, decision, not entail the display of vehicles on the premises.

MR. TORLEY: Sounds the same to me.

MR. KRIEGER: Well, I'm just, I'm not suggesting that there's some hidden reconciliation, I'm just trying to make this clear.

MR. REIS: Does his letter say, is he interpreting it as if he can bring them out sometimes, is he saying that or suggesting that?

MR. TORLEY: I think he's concerned that we told him that he can't show the car to anybody, is that how you read it?

MR. KRIEGER: Yes.

MR. TORLEY: Obviously, we didn't say he couldn't show somebody the car.

MR. KRIEGER: No, I think the cutting edge of the complaint is what's meant by the word display and perhaps, as I understand it, the board's meaning of the word display was banners, soap in the window, flags in the antennas, that kind of stuff. The display did not to the board mean parking the car outside, if that's, which is all he did in the past, as I understand it, park the car outside, and I don't think the board meant to prohibit him from parking the car outside, they meant not to advertise it out there.



MR. NUGENT: Not to belabor this thing, why don't we have our attorney send him a nice letter telling him that this is what the board felt should be allowed.

MR. KANE: Fine with me.

MR. NUGENT: Case closed.

MR. REIS: What are we saying should be allowed?

MR. NUGENT: No soap in the windows, no banners whatsoever.

MR. KANE: Continue what he's been doing.

MR. KRIEGER: He can park the car outside but he can't do anything to alter it by marking it or putting banners on it or calling attention to it in any way.

MR. KANE: He never really had anything highly visible from the road.

MR. REIS: He's saying in his letter.

MR. NUGENT: He may continue the practice he's doing for the last 20 years.

MR. KRIEGER: Okay.

MR. TORLEY: He may not increase the displays over what his previous practice has been.

MR. REIS: In his letter he says--

MR. KANE: I don't think you want to get too specific.

MR. KRIEGER: I would suggest that you may want to have me write a letter saying he can continue the practice for the last 20 years and that the board understands that that practice doesn't include any banners, doesn't include any markings of any kind or any signage of any kind.

MR. KANE: Totally unobtrusive.

January 8, 2001

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MR. KRIEGER: Yeah, but what I think to indicate to him so we don't get, unobtrusive is one of those words like display, we can, that's the kind of thing that sends lawyers' kids to college.

MR. REIS: His letter says they've never been in public view, that means they've never been out of the barn or whatever.

MR. KANE: If you know his property in the back, I always thought it was his collection, I never knew he sold them, when I saw them, so you really couldn't see from the road, you have to drive and see the cars in the back by the barn.

MR. KRIEGER: I'll write the letter and I'll write it for the next session and bring it in so the board can see it if that's what they want before I send it out.

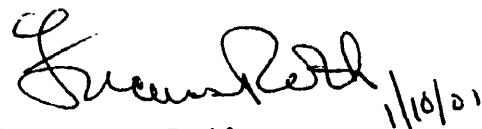
MR. REIS: I move we adjourn.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth", followed by the date "1/10/01".

Frances Roth  
Stenographer

-----X  
In the Matter of the Application of

**NEIL SCHLESINGER**

**MEMORANDUM OF  
DECISION GRANTING  
INTERPRETATION**

#00-43.  
-----X

**WHEREAS, NEIL SCHLESINGER**, residing at 420 Station Road, Rock Tavern, N. Y. 12575 has made application before the Zoning Board of Appeals for an Interpretation as to the pre-existing, non-conforming use of the above residence for auto and horse trailer sales prior to Zoning in 1965, and continuing up to the present, in an R-1 zone; and

**WHEREAS**, a public hearing was held on the 11th day of September, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, Applicant appeared on behalf of this Application; and

**WHEREAS**, there were five spectators appearing at the public hearing; and

**WHEREAS**, three persons spoke about the Application. Two persons were opposed to the expansion of any present use, one letter was received and filed from an adjacent property owner stating no objection, and one person was not opposed to this Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant seeks to establish that the home has been used, on a limited basis, for the sale of motor vehicles and horse trailers since a time pre-dating the advent of Zoning Local Laws in the Town of New Windsor, thus constituting a pre-existing, non-conforming use.

- (c) The Applicant submitted evidence that motor vehicles and horse trailers were sold on the premises by previous owners of the property dating back to 1965.
- (d) The Applicant submitted evidence that the Town of New Windsor Assessor's records indicate that Trot & Pace Acres, Inc. owned the property before zoning in 1965 and that at that time it sold used vehicles, horse trailers, and various farm equipment. That this use of retail sales continued from 1965 up until the present time.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The use of the subject premises was sales of motor vehicle and horse trailer sales since 1965.
2. This use has continued on a limited basis, uninterrupted, to date and therefore constitutes a pre-existing, non-conforming use, and may be continued.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor make an interpretation affirming that the property known as 420 Station Road, Rock Tavern, N. Y. 12575 in the Town of New Windsor is a pre-existing, non-conforming use as motor vehicle and horse trailer sales in an R-1 zone WITH THE STIPULATION THAT THE PRE-EXISTING, NON-CONFORMING USE DOES NOT ENTAIL THE DISPLAY OF VEHICLES ON THE PREMISES .

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 13, 2000.



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Chairman

Date 7/13/00, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth  
168 N. Drury Lane DR.  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/14/00	Zoning Board Mtg,		75.00	
	Misc - 2			
	Losio - 2	Ferguson - 3		
	Marulanda - 5			
	Dunkin Donuts - 3			
	Lehman - 3			
	Schlesinger - 3	13.50.		
	Panella - 3			
	Pearson - 3			
	Cutro - 1			
	Young - 3			
	Days Inn - 3			
	Czepiel - 2		175.50	
	Lahey - 3	39	250.50	

SCHLESINGER, NEIL

Mr. Neil Schlesinger appeared before the Board for this proposal.

MR. TORLEY: Request for discussion concerning auto sales permit by owner who resides at 420 Station Road in an R-1 zone. This sounds unique.

MR. SCHLESINGER: I'm Neil Schlesinger. I own the property located on 420 Station Road in Rock Tavern. Station Road runs north or south between 207 and 94. I'm approximately a mile south of 207. Some of you may recognize the property because there's always been a sign in front of it and it's always been called the Farm. It's approximately 50 acres, and I've been living there for 18 years. As long as I have been living there, I have been involved in selling cars, 80 percent of which is antique or classic cars. As an example, the last three years I think I sold maybe 21 cars through the three years. There is inside storage for approximately ten cars. I have never ever displayed a car on my lawn, on the front of my house. Anybody who wants to see a car, it's by appointment only. Anyway, the reason that this came to surface, I guess, is because the Department of Motor Vehicles questioned my zoning back in January. At that time, I never knew that I was, I never knew that my zoning should have been questioned. Anyway, I further did some research and I went to the appraiser's office. And Miss Cook was able to give me these papers, which I'll be happy to submit to you, that shows since 1972 the prior owner, or actually I owned it, and then it was prior owned by Metzger (ph.), prior owned by Joley (ph), and the prior owner to that was Star. And as far as I was informed that all through the years there have been car sales at that location. In doing some research with Miss Cook's office, we were able to substantiate that there were car sales since 1972. My property is bordered by the Bowmans on the north and by Robert Babcock on the south. May I also add, it's no relationship to Michael Babcock. I also got a letter from Mr. Babcock which substantiates the fact that he's been living there or his parents have lived there since 1938 and he is familiar with all the owners of the property who I've mentioned their names. And as far as he knows, there has always been auto sales at the property as well.

MR. TORLEY: So we have town documentation since at

least 1972. We have a letter from a neighbor saying that there have been car sales at that location.

MR. KANE: I can vouch for the fact that nothing shows from the property, no cars are showing on the property.

MR. TORLEY: It would seem that again this would be grandfathered in. You have not substantially increased the amount of auto sales? You haven't put up new buildings?

MR. SCHLESINGER: Absolutely not, no.

MR. KANE: So what are we looking to do?

MR. TORLEY: Again --

MR. KRIEGER: It's an interpretation and/or use variance because it's not a permitted use for the zone. Is that correct?

MR. BABCOCK: That's correct.

MR. TORLEY: We have to go to public hearing on this one.

MR. KRIEGER: So the question is: Is it a preexisting, nonconforming use or not? And if not, I'd assume you would like to do that, hence the use variance motion of it. And in this case, you will need, because of his neighbor, you would need to be able to at least give him an opportunity to offer testimony which makes it unlike other --

MR. TORLEY: So we need to move for a public hearing on an interpretation and/or use variance request.

MR. KANE: Correct.

MR. TORLEY: Now, I've already warned you, you're going to come in for a public hearing on interpretation. If, as our attorney stated, we can evidence that this activity was going on before zoning came in effect, then you're covered by grandfather. If that does not become demonstrated, then you will have to ask for a use variance. I warn you, those are very difficult. The state has established very tough criteria for that and that may not be a possibility. So your best bet is to try to gather as much documentation as possible establishing this activity predates the zoning.

August 14, 2000

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MR. SCHLESINGER: Okay.

MR. TORLEY: Motion.

MR. KANE: Mr. Chairman, I move we set up Neil Schlesinger for a public hearing on an interpretation of the auto sales at 420 Station Road.

MR. REIS: Second.

ROLL CALL

MR. McDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KRIEGER: Those are the criteria on which the zoning board must decide according to state law. So if you would address yourself to those criteria, that would be helpful.

MR. KANE: And that portion is if we go to the use portion of it.

MR. SCHLESINGER: I understand. Thank you very much.



Date 9/13/10, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/11/10		Zoning Board Mtg	75.00	
		Misc 1		
		Sleepy - 3		
		Sandcastle - 2		
		Calvet - 4		
		Evans - 4		
		Moore - 3		
		Hmsinger - 3		
		Kelly - 3		
		Pearson - 2		
		Schlesinger - 8 36.00		
		Lehman - 2	157 50	
		35	232 50	

SCHLESINGER, NEIL

Mr. Neil Schlesinger appeared before the board for this proposal.

MR. TORLEY: Request for interpretation of auto sales use in R-1 zone at 420 Station Road. Besides the applicant, is there anyone here for this? We're getting your names so we have this in the record.

MR. SCHLESINGER: I'm just submitting some pictures of the residence and I also have copy of my deed and according to the assessor's records that there have been sales of used vehicles and trailers since 1965. This use was continued by myself from '65 to '82 and '82 as long as I have been living there, which is to the present time. I also have a letter from a neighbor who has lived there or his family has lived there since 1938 and that letter was also previously submitted which as far as this neighbor's recollection that his, he agrees with the records that I have been selling cars since 1982, I have never ever had a car parked for sale in view of the public records, I believe that there has never ever been a complaint by any neighbor and I only request permission to continue same.

MR. TORLEY: Before I open this up to the public, gentlemen, any questions?

MR. REIS: What prompted your necessity to come to the ZBA?

MR. SCHLESINGER: Department of Motor Vehicles for whatever reason and I went to a hearing with the Department of Motor Vehicles and they also show no records of any complaint and I went to hearing and I never heard anything after that and I, they wanted some sort of proof from the Town that I was in the correct zone and I never knew that was in the incorrect zone because I have been doing it since 1982 and I went to the appropriate procedures and I just want to do it the right way.

MR. TORLEY: Okay, at this time, I will open it up to the public. Would you please again repeat your name

for our records?

MR. KARL: My name is Leslie Karl, I'm at 450 Station Road and I notice some considerable activity, I'd like to know the interpretation of the exact interpretation of the zone and what it means. As far as I know, it's fairly residential or urban and farm.

MR. NUGETN: You want to know what's allowed? Uses permitted by right, commercial, agricultural operations, grazing of fields or gardens, grapes, vineyard, orchard, boarding, breeding, raising of cattle, sheep, goats, pigs and horses and rental of horses, boarding, breeding and raising of fowl on lots of five acres or more, buildings, structures and uses owned and operated by the Town of New Windsor, commercial forestry, recreation facility, one family dwellings not to exceed one dwelling on each lot, places of worship, hunting preserves, convalescent facility and home professional office. That's by right. By special use, convalescent facility, membership clubs, railroad, public utility, radio and television transmission antenna right-of-way, summer colonies, sand pits, gravel pits, removal of top soil, excavation of natural resources, airports and heliports, cemeteries, commercial dog or veterinary kennel, accessory to commercial, agricultural operation, one story building for display or sale of agricultural or nursery products, reservoirs, private schools and philanthropic or I don't know what that word is, eleemosynary institutions.

MR. KRIEGER: Schools, that means schools, that's what's allowed.

MR. KARL: I heard what you said and it's a variety of mix on that thing, I don't think the statute covers statement of what he's doing but it aligns with similar things almost to that but the precedent, predominately Station Road is a residential area and residential farm and it has been and to interpolate that to commercial and inch away at it with other variances and other leniencies et cetera of interpretation will just lead to more and I have great concern about that as with a lot of areas probably looks like 207, it's a different

zoning, I know that, but eventually, somebody else will do the same thing down the road and it will advance closer and somebody will say why used cars and the cars will come closer on to the highway.

MR. TORLEY: The applicant is asserting and is attempting to show you by records that this activity of selling cars was going on before the zoning code became law and there's something called a pre-existing non-conforming use which says if you're doing used cars and we now passed a law you can still keep selling used cars as long as you continuously do not expand the operations and sort of a grandfathered clause, essentially.

MR. KARL: Well, recently I noticed a big tent in the front yard and I presume I saw red commercial cones, caution cones on the driveway on the entrance to the property.

MR. SCHLESINGER: I had a Labor Day party for which I had a tent and I had several guests so I put the cones up so they'd know where to park on my field, nothing to do with this.

MR. KARL: I don't know whether there's cars being sold behind the tent.

MR. SCHLESINGER: The tent was taken down today.

MR. TORLEY: Why don't we get anybody else wishing to speak.

MRS. KARL: I'm just worried that if this exists now--Nathalie Karl, 450 Station Road--in fact, my cousin owned your property prior Gioli, right, he was my cousin, second cousin, and they raised horses and they boarded horses there and I have lived here my whole life so, you know, I'm familiar with the area. My concern is a growing amount of variances and the fear that when I move there, I moved there with the idea of residential only and I realize the sign is up and I realize that this probably has been going on, I see a new sign now and when we got this, we were sort of alarmed because we wondered well, how far can this

really go, can it be where cars are more visible where there's more traffic or can the neighbor then apply for a variance for them further on down the road? It's just a concern that we're in a residential area and we really wouldn't like to see it go any further.

MR. TORLEY: Okay.

MR. KARL: It's a concern for a precedent.

MR. SCHLESINGER: You just used the word precedent, precedent meaning set an example?

MR. KARL: Other people use that same condition for--

MR. SCHLESINGER: I said I've been doing this since 1982 and to my knowledge, I've never heard of any neighbor complaining about the way I conducted my business. There has been a sign on my mailbox for a long time also and the sign reads Classic Auto Ventures. I live in the same area as these people do and I have the same concern these people do and I don't disagree with their concern. I do not run my business as a quote unquote commercial establishment and I'm not looking to change the zoning and if I wasn't, didn't feel that I was zoned properly, I would not be applying for a variance. All I'm looking for is an interpretation of the zoning as it has been since 1965 or prior to 1965 and I'm asking that I would be allowed to continue with the operation prior as it existed prior to zoning.

MR. TORLEY: You were saying that there's always been the sale of used cars on this property?

MR. SCHLESINGER: That's correct.

MR. TORLEY: You said your second cousin owned this property?

MRS. KARL: Yes.

MR. TORLEY: Prior to 1982, until 1982, was he in fact selling vehicles there?

MRS. KARL: Not that I was aware of, I, the last, in the late '70's and '80's, I wasn't as close to him because of where I was at, but in the past, he sold horses, he boarded horses, he did have his own private cars, enjoyed private cars. He had, I remember a convertible that he sold but it was a private sale. It wasn't a business as far as I knew in growing up in that area and the concern I have, too, is that if you're responsible with it, that's great. But if you move and somebody isn't responsible with it, what ramifications will that have? In fact, I used to go horseback riding there all the time.

MR. SCHLESINGER: I understand what you're saying, all I'm looking for is an appropriate interpretation of the zoning law.

MR. NUGENT: Can I make a couple points? One is very important, we don't set a precedent, we go on a case by case thing. The second thing is the gentleman can prove to us that that's been in operation since 1965, I think that he's showing that the property is in fact whatever it is. R-1 zone has only come into being in the last few years, that's not been, we didn't have R-1 zone forever.

MR. BABCOCK: No.

MR. NUGENT: It's been changed.

MR. TORLEY: The only point was that in order for it to be pre-existing non-conforming use, it has to be continuous, so do we have evidence that there was ongoing when you bought the property?

MR. SCHLESINGER: Well, continuance without a break?

MR. TORLEY: Our attorney can explain what happens if you have a non-conforming pre-existing use, you stop it and try to start it up again.

MR. KRIEGER: You lose it, basically.

MR. BABCOCK: There's certain clauses for one year, certain clauses for two years, I'm not sure which one

it is that this one would fall under, the maximum is two years, I know that.

MR. KRIEGER: Minimum is one, maximum is two.

MR. BABCOCK: That's correct.

MR. KRIEGER: I think one, the point that one of you should make is that pre-existing non-conforming uses are limited to the extent to which they exist, they can't be expanded, even if one is found, it can't be expanded.

MR. TORLEY: That's part of the code and the nature of the non-conforming use can't be changed right now, the gentleman is not displaying any vehicles, it would be in my opinion a violation of his non-conforming pre-existing use for him to now begin to display vehicles.

MR. KARL: I would agree with that.

MR. KRIEGER: Yes, it would.

MR. SCHLESINGER: I have no problem with that.

MR. KRIEGER: In terms of the use becoming greater which was a concern that was expressed, even if this board finds that pre-existing non-conforming use existed, it's limited to the extent to which it exists now, can't be expanded. In other words, somebody can't move in there and open it up as a used car lot, put up a sign and they're stuck with what they've got.

MR. TORLEY: Sir?

MR. KEAN: My name is Peter Kean, I live at 1 Brittany Terrace on Station Road. I have been there since 1964. I knew Tom Gioli, I have no knowledge of him ever selling cars and that is not to say that he didn't do that, I just don't know. When Mr. Schlesinger arrived, almost immediately he posted a sign on his mailbox and I forgot what the sign says, something about classic cars or something like that, I never saw a car, I never saw a for sale sign on an automobile on his property,

occasionally, I would get his mail because of the type of mail we've got and I'd run it up, put it in his box which I find now is against the law, so I don't really have any objection whatsoever. I mean, he keeps a beautiful piece of property, the house is lovely, I have never seen a car, I'm sure because of the mail and because of the sign that he is buying and selling one car a year, ten cars a year, doesn't make any difference to me, they're out of sight, nobody knows, it's not a secret.

MR. TORLEY: Thank you, sir. May I ask the other people who are speaking if it continued as it is now with no cars visible, no waiving flags and flashing lights, no cars visible, no change from what the present conditions are, do you have any objection to that? \*

MR. KARL: I do not, if that was so stated in his rendering.

MR. TORLEY: If you have no other comments, I'll close the public hearing and come back to us. I'd like to read something that was on the application. Again, this is from the assessor's listing. Applicant proposes continuation of pre-existing non-conforming use of retail sales of vehicles in 1965, assessor's records indicate that property was purchased by Trot & Pace Acres, Inc. and owners sold used vehicles, horse trailers, farm equipment, et cetera. The assessor's records indicate that the retail sales use continued from 1965 up until the present time. Gentlemen?

MR. REIS: Make a motion that we accept Mr. Schlesinger's use of the property under an interpretation that it is pre-existing and he's not in violation of any of the codes.

MR. TORLEY: Can we so frame that interpretation to emphasize what the neighbors were saying about no cars visible?

MR. KRIEGER: Yes, by simply saying the motion, the pre-existing non-conforming use does not entail the display of cars.



MR. REIS: Not to change the environment in any way, shape or form.

MR. KRIEGER: Display of, there's no signage other than the sign on the mailbox.

MR. MC DONALD: I'll second it.

ROLL CALL

MR. MC DONALD	AYE
MR. REIS	AYE
MR. NUGENT	AYE
MR. TORLEY	AYE

MR. REIS: What kind of traffic do you think you generate with this business that nobody sees or knows about?

MR. SCHLESINGER: Like cars or people?

MR. REIS: Traffic?

MR. SCHLESINGER: None, no affect.

MR. REIS: Thank you.

324 Station Road  
Rock Tavern, NY 12575

July 17, 2000

R&F  
11/6/00. PAB

To Whom It May Concern:

My name is Robert Babcock and my parents, myself, and my children have owned the property located at 324 Station Road (adjacent to 420 Station Road, Schlesinger) since 1938.

As far as my recollection serves me, the property owned by Neil Schlesinger and previously owned by Metzger, Gioli, and Star, has always been used for farming, flowers, and carriage and auto sales.

Very Truly Yours,

Robert Babcock

*Robert Babcock*

9/11/00

Public Hearing: Schlesinger, Neil #00-43

Name:

Address:

Leti Kean

1 Brittan Terrace - NO objection

LESLIE KARL

450 STATION ROAD

Q - What is permitted?

Leslie Karl

450 Station Road Spoke against.

Sylvia Musto

444 Station Rd

STEVEN MUSTO

444 STATION Rd

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**COPY**

# 00-43

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: July 14, 2000

APPLICANT: Neil Schlësinger  
420 Station Road  
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing One Family House with Auto Sales Permit

LOCATED AT: 420 Station Road

ZONE: R-1 SEC/BLK/LOT: 57-1-2

DESCRIPTION OF EXISTING SITE: Existing One Family House

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing one family house with existing auto sales not permitted in a R-1 zone.

  
BUILDING INSPECTOR

PERMITTED NOT

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1 USE: A-5 Bulk Tables

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD:

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ=D REAR YD:

REQ=D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

COBY

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certificate plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUL 10 2000

Town of New Windsor Bldg. Dept.

FOR OFFICE USE ONLY:  
Building Permit #: 649-2000

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Neil + Glepma Schlesinger

Address

420 Station Rd

Phone

496-7743

Mailing Address

Same

Name of Architect

Address

Phone

Name of Contractor

Address

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the E side of Station Rd.  
and 1 mile (South) feet from the intersection of Station Rd + 207  
(N, S, E or W)
- ✓ 2. Zone or use district in which premises are situated Rural Residential Is property a flood zone? Y N
- ✓ 3. Tax Map Description: Section 17 Block 1 Lot 2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy One Family b. Intended use and occupancy one family + Auto Sales
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒
6. Is this a corner lot? no
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms 4 Baths 1 1/2 Toilets 2 Heating Plant: Gas \_\_\_\_\_ Oil ☒
- Electric/Hot Air \_\_\_\_\_ Hot Water ☒ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \$50.00

Receipt 1173

**PAID**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

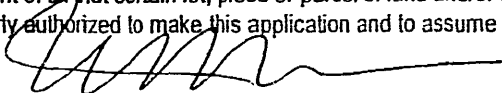
Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

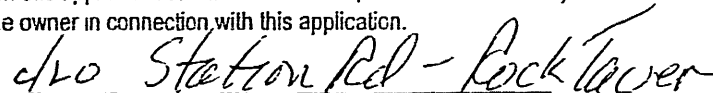
Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_


INSTRUCTIONS


- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

  
(Address of Applicant)

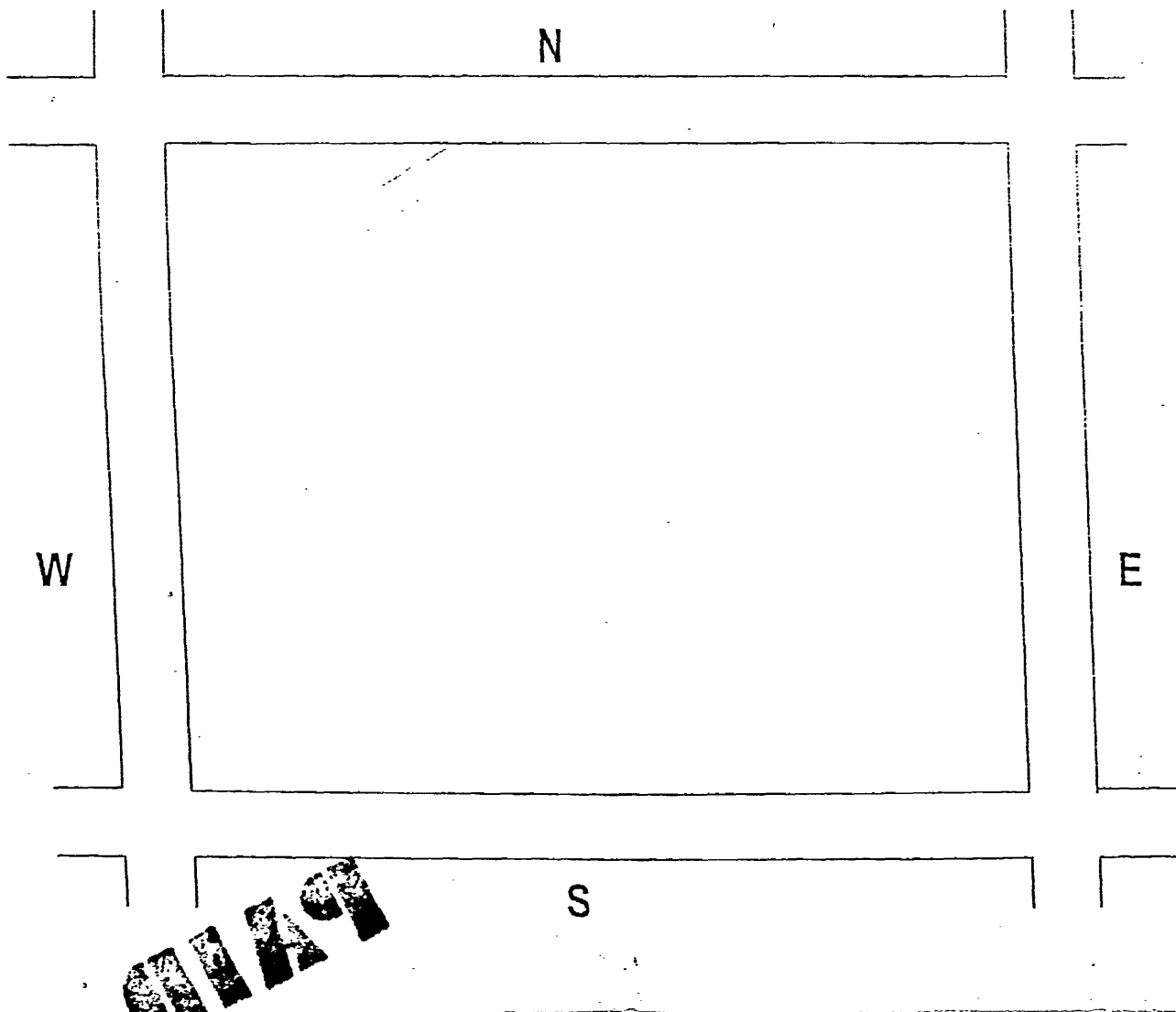
  
(Owner's Signature)

  
(Owner's Address)

PLOT PLAN



**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(914) 563-4811

# RECEIPT #670-2000

08/28/2000

Schlesinger, Neil  
420 Station Rd  
Rock Tavern, NY 12575

# 00-43

Received \$ 150.00 for <sup>Zoning</sup> Planning Board Fees, on 08/28/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen  
Town Clerk

*Pls. publish immediately. Send bill to Applicant @ below address.*

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 43

Request of Neil Schlesinger

for a VARIANCE of the Zoning Local Law to Permit:

Interpretation of use of auto sales in an R-1 zone  
as a pre-existing, non-conforming use;

being a VARIANCE of Section 48-9-Table of Use Regs.- Col. 1

for property situated as follows:

420 Station Road, Rock Tavern, N.Y.

known and designated as tax map Section 57, Blk. 1 Lot 2

PUBLIC HEARING will take place on the 11<sup>th</sup> day of Sept., 19<sup>2000</sup> at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

By: Patricia A. Corsetti, Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 00-43.

Date: 8/16/00

I. ✓ Applicant Information:

- (a) Schlesinger, Neil- 420 Station Rd. Rock Tavern, N.J. X 12575  
(Name, address and phone of Applicant) (Owner)
- (b) -  
(Name, address and phone of purchaser or lessee)
- (c) -  
(Name, address and phone of attorney)
- (d) -  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐) Sign Variance
- (☐) Area Variance (☒) Interpretation

III. ✓ Property Information:

- (a) R-1 420 Station Road 57-1-2 46 acres ±.  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1982.
- (e) Has property been subdivided previously? -
- (f) Has property been subject of variance previously? -  
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A.

✓ IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9., Table of Use/Bulk Regs., Col. 1., to allow:

(Describe proposal) Applicant proposed the continuation of a pre-existing, non-conforming use of retail sales of vehicles. In 1965 Assessor's records indicate that property was purchased by Trout & Lake, Inc. & owners sold used vehicles, horse trailers, farm equipment, etc. The Assessor's records indicate that the retail sales use continued from 1965 up to present time.

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes X No     .

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section     , Table of      Regs., Col.     .

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign ..	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_

\_\_\_\_\_

✓VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section 48-9., Table of Use/Bulk Regs., Col. 1.

(b) Describe in detail the proposal before the Board:

Applicant requests that ZBA interpret the following: That parcel was purchased in 1965, prior to zoning in the Town; that used vehicles, farm equipment & horse trailers were bought & sold, creating a pre-existing non-conforming use; that this use has continued from that date up to & including the present use by owner, Schlesinger, of used car sales.

✓VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

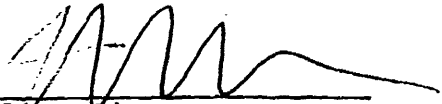
- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ ~~N/A~~ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ ~~N/A~~ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$50.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 8/28/00

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X   
(Applicant)

Sworn to before me this

28th day of Aug., 192000

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. CORSETTI  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 2001

(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



2230

46

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY**

**THIS INDENTURE**, made the **30<sup>th</sup>** day of **August**, nineteen hundred and **eighty-two**  
**BETWEEN**

**JOSEPH F. METZGER**, residing at 6065 Grissom Parkway, Titusville,  
Florida and  
**JOAN B. METZGER**, his wife, residing at Station Road, Rock Tavern,  
New York

party of the first part, and

**NEIL S. SCHLESINGER** and **GLYNNA SCHLESINGER**, his wife  
residing at 310 East 46th Street, New York, N.Y.

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**PARCEL 1:**

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, State of New York, which according to a survey made thereof by Ben Kittler, Jr., N.Y.P.L.S. 45691 dated January 12, 1976 is more particularly bounded and described as follows:

**BEGINNING** at an iron pin in the easterly highway line of Station Road, said point being the division line between lands of Paul R. Babcock (Liber 1992 page 1132) and lands of Thomas F. and Roberta Geoly (Liber 1992 page 1047) also being the southwest corner of the herein described parcel:

(1) thence South 70° 14' 02" East along lands of said Babcock and a wire fence, 166.89 feet to an iron pin;

(2) thence South 56° 28' 10" East along lands of said Babcock and a stone wall, 26.13 feet to an iron pin;

(3) thence South 72° 30' 00" East along lands of said Babcock and a stone wall, 224.65 feet to an iron pin;

(4) thence South 72° 34' 16" East along lands of Paul and Frida Babcock (Liber 789 page 487) and a stone wall 1362.47 feet to an iron pin in the intersection of two stone walls;

(5) thence South 71° 27' 56" East along lands of Paul and Frida Babcock, and a stone wall, 493.43 feet to a nail in the base of a fence post and the intersection of two stone walls;

CONTINUED ON SCHEDULE "A" ATTACHED HERETO AND MADE PART HEREOF.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND HOLD the premises herein granted unto the party of the second part, the heirs or successors and assign the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered any whereby the said premises have been encumbered in any way whatever, except as aforesaid.

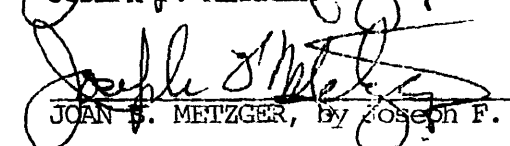
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will: the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first written.

IN PRESENCE OF:

  
JOSEPH F. METZGER

  
JOAN F. METZGER, by Joseph F.  
Metzger, attorney-in-fact

STATE OF NEW YORK, COUNTY OF

SS:

On the 30<sup>th</sup> day of August 19 82, before me personally came

JOSEPH F. METZGER

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Joseph G. Balsamo*

JOSEPH G. BALSAMO  
Notary Public, State of New York  
No. 44-5165110  
Appointed in Rockland County  
Commission Expires March 30, 1984

STATE OF NEW YORK, COUNTY OF

SS:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_

that he is the \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

SS:

On the 30<sup>th</sup> day of August 19 82, before me personally came

JOSEPH F. METZGER

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same to me known to be the Attorney-in-Fact of Joan B. Metzger, the individual described in, and who by her attorney-in-fact executed the same, & acknowledged that he executed said instrument as the act and deed of said Joan B. Metzger, by virtue of a Power of Attorney dated June 23, 1982, and being recorded simultaneously herewith.

*Joseph G. Balsamo*

STATE OF NEW YORK, COUNTY OF

SS:

On the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that he resides at No. \_\_\_\_\_

that he knows \_\_\_\_\_

\_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

LIBER 2230

49

# Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. T-98-82-00195

JOSEPH F. METZGER & JOAN B. METZGER,  
TO his wife

NEIL S. SCHLESINGER

SECTION 57

BLOCK 1

LOT 2

COUNTY OR TOWN New Windsor, Orange  
County

Recorded at Request of  
CHICAGO TITLE INSURANCE COMPANY

LIBER 2230

50

Return by Mail to

SPINO, GOLDBERG, MOORE, MARGULES &  
CORCORAN, P.C.

1565 Franklin Avenue  
Mineola, N.Y. 11501

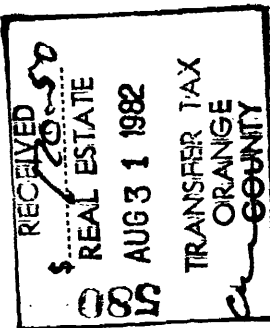
Zip No.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**CHICAGO TITLE  
INSURANCE COMPANY**

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

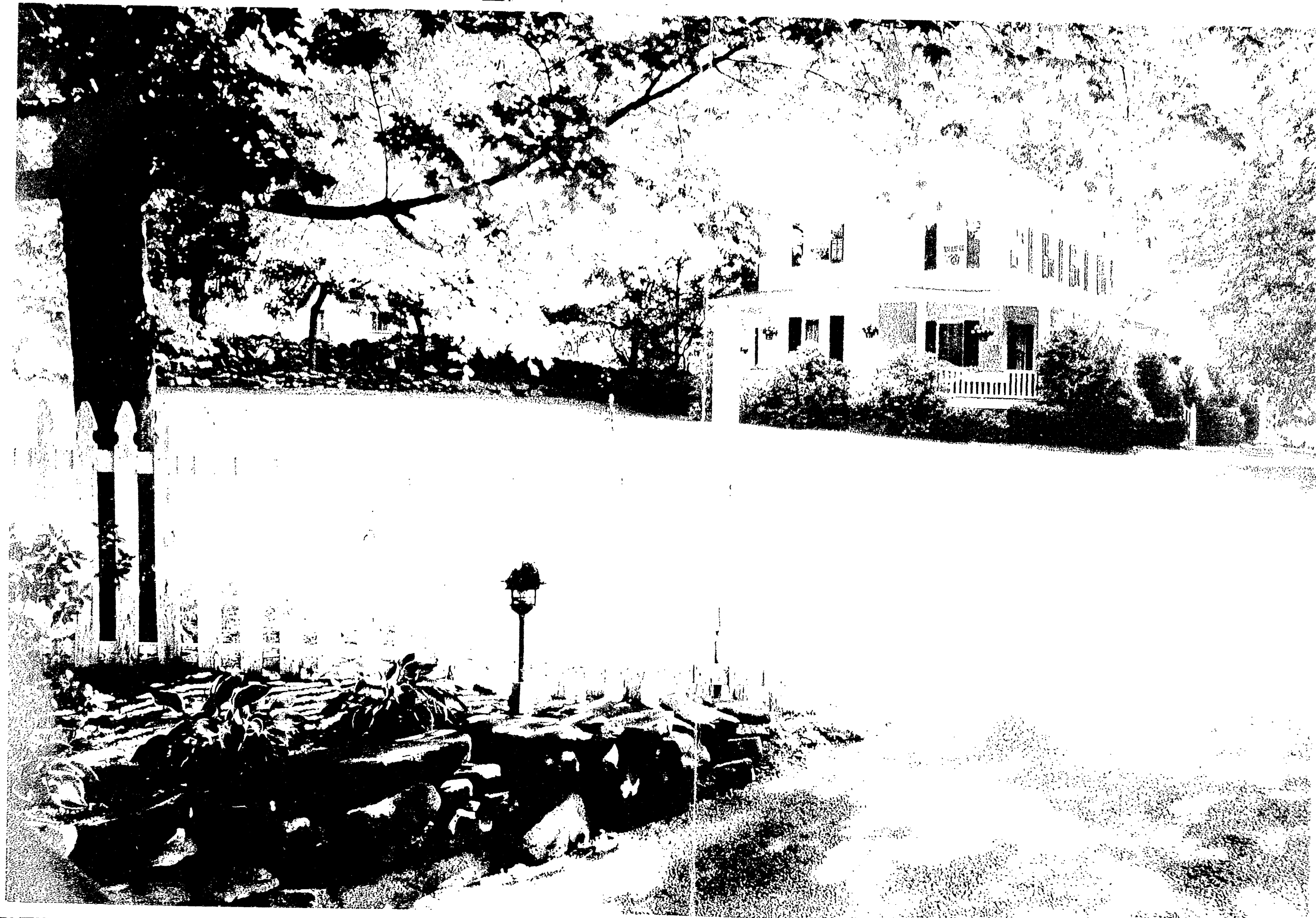


Orange County Clerk's Office, S.S.  
Recorded on the 1st day of August 1982 at 2:30  
o'clock P.M. in Liber 2230  
...Rechecked... at page 50  
and Examined.

*Marion S. Murphy*  
Clerk



Schlesinger Farmhouse  
# 00 43.



Schlesinger-Tankhouse  
# 80-43.





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

August 23, 2000

16

Neil Schlesinger  
420 Station Road  
Rock Tavern, NY 12575

Re: 57-1-2

Dear Mr. Schlesinger,

According to our records, the attached list of property owners are within five hundred (500 ) feet of the above reference property.

Parcels marked with an asterisk (\*) represent abutting parcels, two asterisks (\*\*) represent parcels within an Agricultural District and three asterisks (\*\*\*) represents parcels within an Agricultural District and abutting parcels.

The charge for this service is \$ 35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

*L. Cook (AK)*  
Leslie Cook  
Sole Assessor

LC/sr

CC: Pat Corsetti, ZBA

Teri & Mark Johnson  
461 Station Rd  
Rock Tavern, NY 12575

Rose Marie & William Bracken  
256-27 Grand Central Parkway  
Little Neck, NY 11362

Joan & Peter Kean  
1 Brittany Terrace  
Rock Tavern, NY 12575

Blair & Christina Kobelin  
18 Bryant Street  
Paramus, NJ 07652

Dorothy & David Bowman  
434 Station Rd  
Rock Tavern, NY 12525

August & Gail Taylor- Jonza  
22 Vidi Dr  
Salisbury Mills, NY 12577

Francis Coleman  
431 Lake Rd  
New Windsor, NY 12553

Catherine & Robert Babcock  
39 Babcock Lane  
Rock Tavern, NY 12575

Dorothy & David Bowman  
430 Station Rd  
Rock Tavern, NY 12575

Kenneth J Babcock  
17 Babcock Lane  
Rock Tavern, NY 12575

Kathryn & George Geysen  
456 Station Rd  
Rock Tavern, NY 12575

Joann & Paul Babcock  
11 Babcock Lane  
Rock Tavern, NY 12575

Karl Family Trust  
450 Station Rd  
Rock Tavern, NY 12575

Maryann & Robert Wagner  
440 Station Rd  
Rock Tavern, NY 12575

Sylvia & Steven Musto  
444 Station Rd  
Rock Tavern, NY 12575

Joanne, Maurice & Portman Warnon  
460 Station Rd  
Rock Tavern, NY 12575

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

**In the Matter of the Application for Variance of**

Neil Schlesinger

# 00-43.

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

STATE OF NEW YORK) )  
COUNTY OF ORANGE ) SS.:

**PATRICIA A. CORSETTI**, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 28<sup>th</sup> day of August, 2000, I compared the 16 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Jahicia A. Corseth

~~Notary Public~~

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public**

